

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-00368-RJC-DSC**

KEVIN FONSECA,

Plaintiff,

v.

AMERICAN RED CROSS,

Defendant.

Order

THIS MATTER comes before the Court on Defendant’s Motion pursuant to Rules 6(b) and 42 of the Federal Rules of Civil Procedure and Local Rules 7.1 and 42.1 for an Order (1) consolidating this matter with Civil Action No.: 3:21-cv-00452-RJC-DSC in light of the effectively identical allegations and claims *pro se* Plaintiff Kevin Fonseca’s (“Plaintiff”) has made against Defendant in that matter; and (2) an Order obviating the need for Defendant to respond to Plaintiff’s Amended Complaint (DE 10), or in the alternative, extending the time in which Defendant must move, serve an Answer, or otherwise plead to Plaintiff’s Complaint, up to and including February 11, 2022.

After Defendant filed the instant motion to consolidate, Plaintiff filed its own motion to consolidate. (DE 17). Plaintiff then filed a motion to strike his motion to consolidate, arguing that it is procedurally improper for Plaintiff to file a motion to consolidate before Defendant has answered the Complaint. (DE 18). Plaintiff has also filed a motion for default judgment. (DE 19). Plaintiff did not file a motion in opposition to Defendant’s motion to consolidate.

It appearing to this Court Civil Action No.: 3:21-cv-00452-RJC-DSC and 3:21-cv-00368-RJC-DSC involve a common question of law or fact, and in the interest of judicial economy as

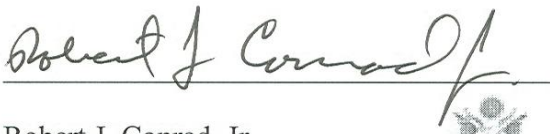
authorized by Federal Rule of Civil Procedure 42, that good cause exists for consolidating these matters and the “lead case” being noted as Civil Action No.: 3:21-cv-00452. In light of the same, the Court finds that Defendant is not required to respond to Plaintiff’s Amended Complaint (DE 10).

IT IS, THEREFORE, ORDERED that:

1. Defendant’s Motion to Consolidate, (DE 16), is **GRANTED**;
 - a. Defendant is not required to respond to Plaintiff’s Amended Complaint, (DE 10), in 3:21-cv-00368-RJC-DSC;
 - b. The instant case is consolidated with 3:21-cv-00452-RJC-DSC with the “lead case” being noted as 3:21-cv-00452;
2. Plaintiff’s Motion to Consolidate, (DE 17), Motion to Strike the Motion to Consolidate, (DE 18), and Motion for Default Judgment, (DE 19), are **DENIED as moot**.

SO ORDERED.

Signed: February 4, 2022



Robert J. Conrad, Jr.
United States District Judge

